

MEETING #36 - October 27

At a Regular Meeting (#2) of the Madison County Board of Supervisors on October 27, 2020 at 6:00 PM at the Madison County Administrative Center Auditorium located at 414 N. Main Street:

PRESENT: R. Clay Jackson, Chair
Charlotte Hoffman, Vice-Chair
Kevin McGhee, Member
Amber Foster, Member
Carty Yowell, Member
Jack Hobbs, County Administrator
Sean Gregg, County Attorney
Jacqueline S. Frye, Deputy Clerk

Call to Order, Pledge of Allegiance & Moment of Silence

Determine Presence of a Quorum

Chairman Jackson advised that a quorum was present.

Adoption of the Agenda

Chairman Jackson called for the following amendments to today's Agenda:

- *Item B: Authorization to pay capital project invoices from bond proceeds [Removed]*
- *Item C. Supplement Appropriations changed to Item B*
- *Move Item #7 [Consideration: Public Safety Radio Tower Easement Near Hughes River (Gordon)] to Consent Agenda*
- *Add Item 9a [Discussion: Status of CARES Act Funding (Costello)]*
- *Add Item 9b [Report/Consideration: Status of "ERP" Project and Additional Funding (Costello)]*
- *Add Item 9c [Discussion: Status of Criglersville School (Hoffman)]*
- *Add Closed Session [Personnel & Legal Consultation]*

Supervisor Yowell: Verbalized concerns regarding the radio tower easement as one of the easements involves some of his relatives.

The County Attorney recommended that Item #7 not be moved to the Consent Agenda due to the aforementioned concern.

Therefore, it was suggested that Item #7 be moved to Item 4c in order to have a separate vote recorded.

Supervisor McGhee moved to approve the Agenda as amended, seconded by Supervisor Hoffman. *Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0).*

Public Comment:

Chairman Jackson advised that there are citizens present to present concerns about the Criglersville Swinging Bridges, and further advised that the Madison County Board of Supervisors has advised VDOT representatives to assess their proposal on the swinging bridges; the County feels the bridges are of much value to the citizens of Madison County, and have further encouraged VDOT to review and research other viable options to save the bridges. Reference was made to a petition presented (by James Howe, Criglersville resident) to request that the swinging bridges be preserved and not destroyed.

Chairman Jackson opened the floor for public comment.

The following citizen(s) provided comment(s):

James Howe (Criglersville) was present and thanked the Board of Supervisors for supporting the citizens' request to save the swinging bridges (specifically the bridge on Lindsay Lane) and referred to the fact that the bridge is a viable treasure to the citizens and tourists that visit Madison County; reference was also made to an independent structural evaluation recently initiated by Professor Dana Elzey from the UVA School of Engineering & Applied Science that provided information on the:

- *Overall soundness of the towers

- *Areas of damage caused by corrosion

- *Suspender cables are free of corrosion but should be replaced

- *Wooden deck shows signs of wear and moisture infiltration - replacement is needed

- *Overall cost estimate to recondition the structure is \$14,056

The citizens of Criglersville desire to keep the bridge and would be willing to offer support to help save the structure; maintenance records were requested but not released which led to an independent evaluation being sought.

Bonnie Dixon was present and advised that she and her husband would have much difficulty accessing the rear of their property if the Lindsay Lane bridge weren't in place; also noted that they have owned a small strip of land near the bridge (Parcel #29-91A) for many years and would like to make the area an attractive park attraction by clearing the area adjacent to the bridge, with the help of other interested neighboring property owners; feels that the bridge is a natural place that is enjoyed by all that visit the area.

Brenda Wernig (159 Jacks Shop Road) was present to advise that her family has received a letter from Brian Gordon, Director of Emergency Communications, regarding an error that was made (in 2002) regarding their E911 street address; she requested that her property be grandfathered in and that they be spared the cost involved with changing property deeds and other criteria that involve her home business; also referred to the 4-1-1 rule pertaining to easements and why they weren't notified of the easement prior to now.

Marty McGettrick (Criglersville) was present to advise that (to the best of his knowledge) the main function of the Lindsay Lane bridge was to provide safe passage to property owners when the water was high, which has occurred many times throughout the years; also referred to safety issues and questioned whether it's VDOT or the County that determines the future of the bridge.

The County Attorney advised that if VDOT determines not to support saving the bridge, then the future of the bridge will fall upon the locality.

Citizens were also advised that an additional public comment will be held following tonight's public hearing if anyone desires to provide further comments at that time.

Ligon Webb, County Planner, was present and advised that the subdivision (referred to by Ms. Wernig) was created many years ago; the lot is located on a level right-of-way and has an existing easement to access the property; the owners obtained a building permit and are now unable to build; the existing driveway was changed a few years ago (recently Jacks Shop Road but is now on the right-of-way) and is twenty feet (20'), which doesn't (in his opinion) change the property owner's right to build a 4th house on the property; a foundation survey was initiated which may be subject to state code guidelines; referred to existing subdivision rights regarding five (5) people being on one right-of-way, which he feels can be moved back.

Brian Gordon, Director of Emergency Communications, was present and advised that the existing road was supposed to have been named in 2002 when the E911 system was created in the County, when there were four (4) houses with the driveway being the main drive, but wasn't done as an oversight by MSAG in 2002; based on County code, the existing change is being presented.

Comments from the Board focused on:

- *Why the original driveway was moved;

And:

- *Would the road still require renaming if the property owners moved the driveway back

The County Planner advised that it was unknown and that the lots have been in existence for many years along the drive.

Ms. Wernig explained that (in her opinion) her family experienced much harassment (from the former Zoning Administrator) in the past.

Mr. Gordon advised that at this point, the road would still need to be renamed because a 4th house is going to be build on the main drive; photos were taken which showed the first two (2) houses accessible off the main drive as being about 40' inward. It was further stated that there are other property owners who have been fallen in the same category (as the Wernig Family) - if an exception is made at this time, it will raise concerns from other property owners who have and are experiencing this same issue being presented at today's meeting. Although it's understandable that the request is difficult, the County must adhere to state code guidelines and maintain consistency (with E911 addresses) which is key for first responders.

The Board requested clarification regarding the:

- *Difference between finding housed with mailbox numbers

As opposed to:

- *Renaming the road

John Sherer, Emergency Management Services Coordinator, was present and advised that numbered mailboxes along a roadway don't provide much information and that having an address posted at the driveway entrance is the main guideline for emergency responders.

Mr. Gordon further explained that a posting of "165 Jacks Shop Road" means that house is .165 miles from the beginning of the road; if the road is renamed, the houses along the road will be given specific numbers and will give 1st responders a more precise location of where they need to go and enhances the search. In closing, he advised that the NextGen 911 platform will mandate the renaming of roads that fall in the same category as the one being discussed tonight.

Chairman Jackson: Verbalized apologies concerning what the property owner is having to endure, but noted that the standards need to be followed and also noted that the proposed renaming of the road will enhance any future change that emergency responders will have to provide services to the property owners.

Although Ms. Wernig invited the Board members to come see the road, it was further noted that the rules still be followed.

Mr. Wernig was also present and advised that there is no turnaround point at the neighbor's driveway that embarks upon a very steep embankment; he also verbalized concerns regarding costs involved (to his family) to have addresses changed on deeds and other property documents;

To which it was advised that there would be no need for the property owners involved to make changes to the property deeds.

1. Public Hearing & Consideration: Extension of Continuity of Government Ordinance (ID #2020-21]: The County Administrator advised that the proposed Ordinance will extend the Board's ability to meet without a quorum being physically present during a time of emergency and will also extend the Board's ability to allow individual members to meet remotely if necessary.

Chairman Jackson opened the floor of the public hearing.

Chairman Jackson advised that no meetings have been missed to date; accolades were given to the members for being consistent.

With no comment(s) being brought forth, the floor of the public hearing was closed.

Supervisor Yowell moved that the Board adopt Ordinance #2020-21 as presented, seconded by Supervisor Foster. *Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0).*

The Ordinance reads as follows:

**AN UNCODIFIED ORDINANCE TO REESTABLISH METHODS TO ASSURE CONTINUITY IN
MADISON COUNTY GOVERNMENT AND CONDUCT OF BOARD OF SUPERVISORS MEETINGS
DURING THE NOVEL CORONAVIRUS DISEASE 2019 (COVID-19) EMERGENCY
#2020-21**

WHEREAS, §§15.2-1413 and 1427 of the Code of Virginia provides for the establishment of methods to assure continuity in Madison County government and conduct of Board of Supervisors meetings during the COVID-19 Emergency. and§

WHEREAS, the Madison County Board of Supervisors ("Board") adopted an emergency ordinance on this matter on March 26, 2020 that was effective for 60 days and an uncodified ordinance on May 12, 2020 that was effective for 6 months, and

WHEREAS, the Board finds it necessary and appropriate to renew the method of assuring continuity in Madison County's government and to provide for the conduct of Board meetings during the COVID-19 emergency;

NOW, THEREFORE, BE IT ORDAINED by the Board of Madison County:

1. That the following uncodified ordinance is hereby adopted:

- Purpose of the Ordinance:

This ordinance reestablishes methods to assure continuity in Madison County government, including the Board' procedures for meetings, during the COVID-19 emergency. These provisions are intended to ensure the Board' ability to conduct necessary public business in a manner consistent with Virginia state law and federal, state, and local health directives and guidance, all while maintaining transparency and public participation to the greatest extent feasible.

This ordinance is being adopted in response to the COVID-19 outbreak. The World Health Organization declared COVID-19 a global pandemic on March 11, 2020. On March 13, 2020, the President of the United States declared that the COVID-19 outbreak in the United States constitutes a National Emergency beginning March 1, 2020. On March 12, 2020, Governor Ralph Northam issued a Declaration of a State of Emergency due to Novel Coronavirus (COVID-19). The Governor declared the emergency "to continue to prepare and coordinate our response to the potential spread of COVID-19 constitute a disaster as described in §44146.16 of the Code of Virginia." The Governor's Declaration of a State of Emergency remains in effect until June 10, 2020, unless sooner amended or rescinded. Effective

March 16, 2020, Governor Northam and the State Health Commissioner jointly issued an Order declaring a state public health emergency. On March 13, 2020, the Madison County Director of Emergency Management, with the consent of the Board, declared a local state of emergency due to the potential spread of COVID-19. The local Declaration of Emergency remains in effect until the Board takes appropriate action to end the declared emergency.

The Public Health Emergency Order issued jointly by the Governor and the State Health Commissioner effective March 16, 2020, consistent with other expert opinions, observes that COVID-19 spreads from person to person, transmitted via respiratory droplets, and can be spread from an infected person who does not have symptoms to another person. No vaccine or known treatment options exist at this time.

This Ordinance extends the Emergency Ordinance adopted on March 26, 2020 and renewed on May 12, 2020 and shall remain in full force and effect until the Governor declares that the State of Emergency has ended, or until six months from the date of adoption of this ordinance, whichever occurs first.

B. Virginia Statutory Authority for the Ordinance.

Virginia Code §15.2-1413 authorizes localities to adopt an ordinance to "Provide a method to assure continuity in its government, in the event of an enemy attack or other disaster," "[n]otwithstanding any contrary provision of law, general or special." The Governor's Declaration of a State of Emergency found that "[t]he anticipated effects of COVID-19 constitute a disaster as described in §44-146.16 of the Code of Virginia."

Virginia Code §15.2-1427 authorizes counties to adopt emergency ordinances without prior notice; however, no such ordinance may be enforced for more than 60 days unless readopted in conformity with the provisions of the Virginia Code.

Virginia Code §2.2-3708.2(A)(3) allows the Board to meet via electronic communications without a quorum physically assembled together "when the Governor has declared a state of emergency," "the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location," and "the purpose of the meeting is to address the emergency." Public notice must be given using the best available method, in light of the nature of the emergency and it must be provided contemporaneously with the notice provided to the members of the public body. Finally, arrangements must be made for the public to access the meeting.

Virginia Code §2.2-3708.2(A)(1) allows members of the Board to participate in a meeting via electronic communications if (1) it has a written policy allowing for such electronic participation; (2) a quorum of the Board is physically assembled at the primary meeting location; (3) the Board makes arrangements for the voice of the remote participant to be heard by all persons at the primary location; and (4) any member requesting remote participation is unable to attend the meeting due either to a temporary or permanent disability or other medical condition that prevents the member's physical attendance, or to a personal matter that is identified with specificity.

C. Definitions.

"Continuity in Madison County government" includes, without limitation, those actions, and the coordination of actions, that are necessary to assure the continuation of the County's essential functions and services.

"Electronic communication" means the use of technology having electrical, telephonic, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities to transmit or receive information.

"Emergency" means the outbreak of the respiratory illness referred to as the novel coronavirus or COVID-19, as described in the Governor's Declaration of a State of Emergency and the local Declaration of Emergency, and the spread and effects of COVID-19, which constitute a disaster as defined in Virginia Code §44-146.16.

"Meeting" means a regular meeting of the Board as established on the schedule approved by the Board at its 2020 Annual Meeting on January 2, 2020, the meetings of my Board Committee, the Planning Commission, and any special or emergency meeting called as allowed by Virginia Code §§15.2 1417 and 1418.

"Usual procedures" means the requirements and procedures established by the Virginia Freedom of Information Act for public meetings, including remote participation by a Board member as long as a quorum of the Board is physically assembled at the meeting location, as allowed by Virginia Code §2.2 3708.2(A)(1) and the policy adopted by the Board on March 26, 2020.

D. Board of Supervisor's Meeting Procedures.

1. For any meeting at which the Board transacts public business with any purpose other than addressing the emergency or assuring continuity in Madison County government, the Board will meet in accordance with all usual procedures established by the Virginia Freedom of Information Act.

2. If the purpose of a meeting of the Board is to address the emergency, the Board will meet in accordance with all usual procedures established by the Virginia Freedom of Information Act unless, in the judgment of the Chairman, the catastrophic nature of the declared emergency makes it impracticable or unsafe to physically assemble a quorum in one location, in which case the Board will meet solely through electronic communication means to discuss the emergency in accordance with the emergency procedures established by FOIA and specifically Virginia Code §2.2 3708.2(A)(3). In no event shall any action be taken by the Board in an electronic meeting unless a quorum is participating remotely. If the Board follows the procedures established by Virginia Code §2.3 3708.2 (A)(3), the Board will state on the record the nature of the emergency, the fact that the meeting is being held electronically, and the type of electronic communication means being used, and the Board will make arrangement for public access to the meeting.

3. (A) In addition, if any meeting or any part of a meeting of the Board is being conducted for the purpose of assuring continuity in the Madison County government, the Board will meet in accordance with all usual procedures established by the Freedom of Information Act to the extent possible.

(B) If, in the judgment of the Chairman, items proposed to be considered are necessary to assure continuity in Madison County government and the usual procedures cannot be implemented safely or practically, then, under the authority granted to the Board by Virginia Code §15.2 1413, the method by which the Board will conduct any meeting to consider the items will be as follows:

(1) The meeting may be held solely through electronic communication means without a quorum of members physically assembled at one location, but only after notice of the meeting is given in accordance with applicable laws. In no event shall any action be taken by the Board in an electronic meeting unless a quorum is

participating remotely.

(2) The meeting may be held without permitting members of the public to be physically present in the same location as any of the Board members, but alternative arrangements for public access will be made. Such alternative public access may be through electronic communication, including but not limited to audio, telephonic, or video broadcast.

(3) Before action may be taken on any item, the Board must first approve that the item or items are necessary to assure continuity in Madison County government and that the usual procedures cannot be implemented safely or practically, as may be determined by the Chairman.

(4) For any such matter requiring a public hearing by law, public comment will be solicited and received via written or electronic communication prior to the vote on the matter. All such comments will be provided to the members of the Board and made a part of the record of the meeting.

E. Suspension of Certain Policies.

Any policies or procedures previously adopted by the Board are suspended to the extent they are inconsistent with this Ordinance.

2. That this ordinance will become effective upon adoption.

3. That this ordinance is being re-adopted on an emergency basis as allowed by Virginia Code §15.2-1413, and may be enforced for no more than six months from the date of adoption, unless the Board readopts this ordinance in conformity with all applicable provisions of state law and following the procedures established in this ordinance.

2. **Presentations (Carrie Shephard, VDOT):**

A. Report on Criglersville Swinging Bridges: Carrie Shephard, Charlottesville Residency Engineer, joined the session through the online meeting format, and provided a brief overview of the history of the swinging bridges (On Rt. 642 [Lindsay Lane]; Rt. 670 [off Old Blue Ridge Turnpike] in Madison County

Lindsay Lane (Rt. 642): The bridge was built in 1948; over the years the bridge has suffered damage from frequent storm activity and high water in the area; a survey was performed in early 2000; the bridge does not qualify for the national register due to (i.e. construction technology, frequent storm damage, extensive repairs/replacement of bridge elements (including rebuilding) sustaining issues that have resulted in the loss of historical and structural integrity of the bridge.

VDOT bridge inspectors evaluated the bridge on Lindsay Lane and discovered the following:

Rot and cracking to the decking timbers

Deterioration of the cables and fencing

Support cables were corroded

Bridge was deemed unsafe and closed the next day.

It was determined that the amount of work needed in order to reopen the bridge is impractical due to extensive deterioration. Based on funding, replacement of major components would be necessary.

Old Blue Ridge Turnpike (Rt. 670): The bridge was completely rebuilt in 1987 after the previous bridge sustained much damage; this

bridge also does not meet the criteria required for the national bridge register because it exceeds the threshold requirements.

VDOT bridge inspectors evaluated the bridge off Old Blue Ridge Turnpike and discovered the following:

Cracking timbers

Cables were in decent condition

Replaced several deck boards

Bridge remained open

Additional highlights mentioned in the power point presentation focused on the:

Anticipation that major repairs will be needed for the bridge at Lindsay Lane in the future

Cost estimates for repairs could range from \$1,500,000 to \$2,500,000

Viable funding options include:

1. Transportation alternative programs that are 80% funded with a 20% local match and is allocated every other year, with VDOT assistance as needed. Pre-application deadline for these funds has a deadline of July 1, 2020 with a full application deadline of October 2021; funding for selected applicants will be in June 2022.
2. Secondary Six-Year Plan Fund: Involves County Telefee funds and can be allocated with a 20% match; funds cannot be used to match revenue sharing funding; current Telefee funds for Madison are about \$40,000 annually, but are available for consideration.
3. Revenue sharing funding: These funds are very similar to the transportation alternative program and can be applied for by a locality every other year with a 50/50 funding match mechanism.
4. An additional program can be accessed through the Department of Conservation and Recreation but the funds are specifically targeted for recreational areas, for which the bridge doesn't qualify.
5. Specific funding for the six-year plan can only be utilized for bridges that are used for motorists and not those that are used only for pedestrians.

A map was provided that showed additional access points for motorists to cross the river. A review of the plats was also provided for review with no conveyance being denoted. The bridge at the Old Blue Ridge Turnpike shows no easement or dedication. VDOT is currently holding discussions with the Attorney General's Office to determine the best way to proceed based on existing legal rights. In closing, it was noted that VDOT is prepared to work with the County to assess the best available option.

Comments from the Board:

- *Supervisor Yowell:* Questioned if:
 - Maintenance records could be reviewed for the past ten (10) years
 - Whether VDOT plans to maintain the bridges (which are a tourist route)
 - The current situation would be in place if VDOT had been maintaining the structures over all these years
 - Referred to the many tourist attractions in Criglersville (i.e. stores, bridge, old school, mountain lodge, etc.) which is why the County needs VDOT to assist the locality in securing these swinging bridges

Ms. Shepherd advised that VDOT will plan to maintain the structures; doesn't have past maintenance records available at this time; noted that the bridge at Lindsay Lane was closed due to issues with corrosion of the cables and deterioration to the decking; also advised that VDOT does perform routine maintenance.

David Price of VDOT also joined the meeting from the online meeting format and advised that the bridges have been maintained on a regular basis as required; noted that engineers have prepared reports and that necessary repairs were done to keep the bridges functioning; noted that over time, decking does decay; noted that once cables start fraying and rusting, there isn't a lot of maintenance that can be done except replacement and may call for the bridge to be in line with ADA requirements, which must also be considered. In closing, he noted that VDOT also has questions and is working to assess available options to determine how best to move forward.

The County Administrator referred to the ideas that general maintenance can continue for a bit longer, but advised that at some point, components on the bridges will need to be replaced. Noted that he feels the next steps would involve more detailed engineering documents, as the County can't seek out grant opportunities until a scope of work that will be necessary; questioned if the aforementioned inquiry is something that VDOT could assist with

To which Ms. Shepherd advised that VDOT can perform some limited engineering and cost development criteria for the bridges; noted that a preliminary engineering study or plan development/design would require funding, although VDOT can provide some assistance to help the County attain said funding.

- *Chairman Jackson referred to a community petition from the citizens that supports the bridge and feels that (based on citizen input) the bridge at Lindsay Lane is being used routinely; the citizens do value the bridge; feels that the costs being provide include costs for engineering, necessary materials and hiring a hydrologist; it's noted that a push for pedestrian access is prevalent throughout the State of Virginia; questioned if VDOT provides funding mechanisms that assist with providing pedestrian access in other Virginia localities.*

To which Ms. Shepherd advised that VDOT doesn't have access to privately/independently built pedestrian bridges; information provided is based on funding mechanisms that are very limited; noted that if the locality decided to pursue engineering services outside of VDOT, the costs may be more than the costs provided today.

- *Supervisor Yowell: Made reference was made to State Code 33.2-325 that relates to certain school roads and the secondary state highway system; questioned if closing the bridge on Lindsay Lane to any children that may need to access the bridge to catch the bus at the Possum's Store would be a factor based on the code.*

To which Ms. Shepherd advised wouldn't be a factor since there are alternate routes that provide access to schools.

After discussion, Chairman Jackson stressed the fact that the Madison County Board of Supervisors concurs with the citizens to keep the swinging bridges in place.

Ms. Shepherd advised that VDOT is committed to helping the County through the process, and advised that discussions will be needed to determine the appropriate available funding mechanisms to help the County move forward. She also made reference to the funding options as provided during today's presentation.

After discussion, the Board suggested that information on the funding mechanisms (as discussed) be forwarded to the County Administrator for further discussion within the next 2-3 weeks.

B. Discussion on Open VDOT Items: The County Administrator referred to the open VDOT items as noted:

SMART SCALE Projects

1. US29 at Shelby Road (Shelby Road R-CUT)

Funded & under design; anticipate ad date late 2022

2. SR231 at Fairgrounds Road (Pratts Intersection)

Preliminary application filed; updated study underway

Safety and Project Studies

3. SR15 & Oak Park Road

Potential safety improvements are being studied by VDOT

4. SR231 & Cedar Hill Road

Safety re left turn toward Town of Madison discussed with Saunders on 12/10/19

5. SR230 Passing Zone

Study discussed at 2/11/20 BoS meeting

6. Raceground Road Speed Study

Preliminary research conducted but no study requested

7. Kinderhook Road Speed Study

A portion of the road changed to 45 mph; signs installed.

Maintenance Tasks

8. Wayland's Mill Rd/SR618 Gravel & Grading

Potential work being investigated

Pending VDOT Projects

9. Novum Road Rural Rustic Road Project

Resolution 2019-16 approved on December 10, 2019

10. Nethers Road Bridge Replacement

Ad date TBD

11. US29 at Fairgrounds Road New right turn lane

Study by VDOT underway per request at September 10, 2019 BOS meeting

12. Walkers Mill Lane/SR663

Verified as a qualified Rural Rustic road program candidate

6-year secondary road plan

Public hearing on May 12, 2020; roads include: Novum Road/SR606; Forest Drive/SR671; Pea Ridge Drive/SR666; Desert Road/SR606(Phase 1 ?); Desert Road/SR606(Phase 2 ?); Whippoorwill Road/SR603

Ongoing Issues

Criglersville Swinging Bridges rehab/replacement study

Town of Madison Sidewalk Project(s) and Grant Applications

VDOT involvement in development reviews (subdivisions, site plans, special use permits & rezoning)

Responses from Ms. Shephard:

- Shelby Road R-Cut: Ms. Shephard advised that scoping should commence with the upcoming month; preliminary field

inspection ad date is November 2022;

- Rt. 231 @ Fairgrounds Road/ Pratts Intersection: Current round of smart scale funding; scoring should be back early next year,
- **Rt. 618 Wayland's Mill Road:** Grade replacement; scoping and preliminary field inspection next month

Rural Rustic

- Novum Road: Should be completed in time
- Forrest Drive & Pea Ridge Road: Scoping is in progress
- Engineering Study
- Oak Park Road: Speed study is complete; recommend continued police enforcement
- Virginia Byway Designation: Approval has been recommended; currently assessing input from DCR before proceeding further; process will also require a public hearing
- Rt. 231 Cedar Hill Road: Inspection review complete; recommend that vegetation be removed as much as possible to improve site distance

- *Supervisor Foster: Referred to the fact that (in her opinion) there appear to be no significant changes regarding the citizen complaints that have been made at any of the recommended roads that were presented.*

Ms. Shepherd referred to:

Rt. 634 Oak Park Road: The speed study involved the collection of speed data for a quarter of a mile of roadway; the average speed detected was 48 mph; recent crashes were noted as occurring at Rt. 15 and Rt. 632as presented; non-compliance noted with the existing speed on Oak Park Road which mitigated increased police reinforcement

- *Chairman Jackson: Referred to the extensive vegetation on Cedar Hill Road (at the Madison Post Office and Wells Fargo Bank.*

To which Ms. Shepherd advised that VDOT does remove vegetation but concerns do need to be provided to VDOT in order for them to be addressed.

Madison Town Sidewalk Project: Ms. Shepherd advised that no update on the project has been received to date; information will be provided at a later date.

It was the consensus of the Board to request that the County Administrator follow up with Ms. Shepherd on the aforementioned items.

3. Consideration: MOU with Madison County Rescue Squad (Hillstrom): Noah Hillstrom, Director of Emergency Medical Services, was present and advised that the MOU will be reviewed tonight by the rescue squad's Board.

The County Attorney advised that the proposed MOU will be reviewed; the Board of Supervisors will discuss the MOU further in tonight's closed session.

Consent Agenda

4. Consent Agenda

A. Minutes from the October 13, 2020 Meeting

~~B. Authorization to pay capital project invoices from bond proceeds~~

B. C. Supplemental Appropriations

i. Supplement 21-17 Commonwealth's Attorney new position \$50,212.75

ii. Supplemental 21-18 Electoral Board Grant \$6,129.00

iii. Supplement 21-19 EMS Medical Director Contract Increase \$3,750.00

ii. Supplemental 21-20 EMS 6 Radios for New Ambulances \$4,615.00

Supervisor Yowell moved that the Board approve Items A & Item B of the Consent Agenda, seconded by Supervisor Hoffman. **Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0).**

C. Consideration of Public Safety Radio Tower Easements near Hughes River (Gordon) [moved from Item 7]

Brian Gordon, Director of Emergency Communications, was present and advised that if the Board elects to approve the proposed leases, he will return to the landowners; negotiations have been done with the landowners; once all is done, a copy of the lease will need to be provided to along with a written description of the right-of-way before they can proceed.

The County Attorney advised that the proposed leases are most appropriate.

Supervisor Foster moved that the Board approve Item 4c, seconded by Supervisor Hoffman. **Aye: Jackson, Hoffman, McGhee, Foster. Abstain: Yowell. Nay: (0).**

Constitutional Officers, County Departments, Committees & Organizations

5. Committee Vacancies (Frye):

IDA Board: The Board was advised that one (1) additional member is still needed for the IDA Board.

Teresa Weaver Retirement: Teri Weaver is planning to attend the first meeting in December, as requested by the Board.

6. Holiday Luncheon Alternatives (Frye)

2020 Christmas Luncheon Recommendations: Due to the COVID 19 pandemic and the fact that the 2020 Christmas luncheon has been cancelled; it was suggested that the Board authorize all departments to spend up to \$22.95 per staff member and forward receipts for payment.

The County Administrator advised that employees truly appreciated the luncheon event.

After discussion, the Board consented to the recommendation as suggested to o spend up to \$22.95 per person/per department.

Clerk of the Circuit Court: Leeta Louk, Clerk of the Circuit Court, was present and advised that the poly cam equipment has been set

up; all appears to be going well. Web-x equipment has also been used.

Treasurer: Stephanie Murray, Treasurer, was present and advised that tax bills have been mailed; revenue is already starting to be received; pre-audit will begin next week with the audit the following week.

Commonwealth Attorney: Clarissa Berry, Commonwealth Attorney, was present and advised that all is going well; jury trial have not yet commenced; recent senate bill has been passed and will go into effect July 1, 2021; meeting with Neal Goodloe shortly working to discuss a study on CVRJ; planning to launch a training event with the Sheriff's Office in mid-December; Sheriff's Office is on track with their body cam and dash cam equipment - hope to be up and running by the first of December; case management software selected; has been approached by some about the upcoming election - reassured the public that all will be done accordingly.

Animal Control & Shelter: Greg Cave, ACO, was present and reported that numbers are down; recently filled the Animal Shelter Manager position - plans to bring new employee to a meeting once everything is in order; animal calls continue.

Commissioner of the Revenue: Brian Daniel, Commissioner of the Revenue, was present to report that corrections to personal property records are ongoing; land use applications are coming in and are due by November 2, 2020.

Building/Zoning: Ligon Webb, County Planner, was present to advised that his office has busy with citizen inquiries on division rights and building on their property.

EMS: Noah Hillstrom, Director of Emergency Medical Services, was present and advised that all vacancies have now been filled; things are very busy within his department.

Emergency Management Services: John Sherer, Emergency Management Services Coordinator, was present and advised that there is a good stock in place of PPE items. VDH has identified;

- 8 individuals tested positive for COVID19
- 10 hospitalizations
- 3 fatalities (since March 2020)

Also discussing possible grant opportunities with the Virginia Department of Emergency Management.

Facilities & Maintenance: Roger Berry, Director of Facilities & Maintenance, was present and advised that all work needed at the courthouse is now complete; landscaping has also been done at County properties.

Planning Commission: Charles Michael Fisher, Commission member, was present to report that the Commission is planning a public hearing on November 4, 2020 at 7:00 p.m. on the proposed communications tower at Uno and to discuss two (2) commercial uses for the proposed tower; signage is noted along Rt. 231 to announce the public hearing with the anticipation that the citizens will be informed; the Commission has also updated and approved the existing bylaws.

Internet-Technology: Bruce Livingston, IT, was present and advised that he has continue to perform networking monitoring for the Sheriff's body cam equipment; still working on troubleshooting tickets; working on Geo-com equipment (Brian Gordon); working on subnet address scheme between Greene and Madison.

Finance: Mary Jane Costello, Finance Director, was present and advised that the audit will commence shortly; details being finalized; advertising for the Accounting Manager is in place - hopes to have someone in place by January 2021.

Old Business

7. Consideration: Public Safety Radio Tower Easements Near Hughes River (Gordon) [Moved to Item 4C]

8. Consideration: November-December 2020 Board Meeting Schedule (Hobbs): The County Administrator reminded the Board of the upcoming holiday seasons and the fact that a few meetings fall during the holiday weeks (11'24 & 12'22); also questioned if the Board desired to schedule a retreat session to discuss goals/objectives. In closing, he suggested that the Board schedule only one (1) meeting in December.

After discussion, it was the consensus of the Board to continue with the following meetings:

- November 24th
- December 8th

And to:

- Cancel the meetings scheduled for December 22nd
- Hold a session on December 2nd prior to the joint session with the Planning Commission to discuss goals/objectives for 2021

9a. Discussion: Status of CARES Act Funding (Costello): The Finance Director was present and advised that the Town's funding request has been forwarded in the amount of \$17,200 (an increase of \$12,000); suggested that the Board tentative approve the aforementioned funding request so the Town can expend these funds before the end of the year. An assessment has been made of the funding requests submitted by the Madison Early Learning Center and the 4-H Center that are related to their operating costs; reviewing numbers that have been provided from County departments; rationally for the CARES Act Funding has still not been fully defined; Rationale In closing, it was reiterated that the rationale for utilization of CARES Act funding still has been fully defined.

- *Chairman Jackson: Advised that a visit will be made to the Town Clerk/DMV Office; also questioned if the office has changed their operating policies as a result of the pandemic, as well as DMV guidelines; feels that the County is tasked with providing funding assistance to the Town, but questioned the increase in their original funding request.*

The County Administrator advised that it's his understanding that the CARES Act funding being requested by the Town Office will be using the requested funds to prevent a lot of face-to-face contact with the clients via intercom.

- *Supervisor Yowell: Verbalized support of the Town's request if it's necessary; questioned if a delay from the County will allow the Town office enough time to perform the safety measures that they deem appropriate.*

Supervisor Yowell moved that the Board approve the Town of Madison's request for CARES Act Funding not to exceed \$17,200.00, seconded by Supervisor Foster. Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0).

9b. Report/Consideration: Status of "ERP" Project & Additional Funding (Costello): The Finance Director was present and presented a draft capital budget appropriation for consideration (Resolution #2020-26) that will be needed to pay the costs associated with the ERP system. The analysis reflects that \$283,000 will be needed from the CARES Act Funding (an increase of \$8,000).

Supervisor Foster moved that the Board approve Resolution #2020-26 [Resolution to Appropriate the FY21 Madison County Capital Budget for October 2020] seconded by Supervisor McGhee. Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0).

The Resolution reads as follows:

RESOLUTION # 2020-26

RESOLUTION TO APPROPRIATE THE FISCAL YEAR 2021 MADISON COUNTY CAPITAL BUDGET FOR OCTOBER 2020

WHEREAS, on May 12, 2020 the Madison County Board of Supervisors adopted a Capital Budget for Madison County for Fiscal Year 2021 in the amount of \$27,301,962; and

WHEREAS, the Fiscal Year 2021 Adopted Capital Budget includes school operations and capital funding for the Madison County School Division equaling \$7,862,640; and

WHEREAS, the Board of Supervisors is required to appropriate for actual expenditure the adopted Fiscal Year 2021 budget; and

WHEREAS, 15.2-2506 and §21.1-94 of the Code of Virginia indicate that the Board of Supervisors may make annual, semiannual, quarterly or monthly appropriations for contemplated expenditures; and

WHEREAS, the Board of Supervisors desires to make a monthly appropriation for capital expenditures;

NOW, THEREFORE, BE IT RESOLVED on this 27th day of October, 2020, that the Madison County Board of Supervisors hereby appropriates the Fiscal Year 2021 Adopted Capital Budget for October 2020 in the amounts specified for each fund contained in said budget; with such appropriations summarized below:

General Operations	\$ 75,164
County Capital Projects Fund	208,038
School Capital Projects Fund	-

Total Capital Appropriations	\$ 283,202

9c. Discussion: Status of Criglersville School (Hoffman): Supervisor Hoffman questioned the status of the Criglersville Elementary School.

Chairman Jackson: Advised that Mr. Higginbotham has advised that he has a revised plan and will get back to the County very shortly.

Ligon Webb, County Planner, was present and advised that another individual has verbalized questions on the status of the building; also questioned if a "For Sale" is on the property and also if the property could be marketed on Zillow.com.

After discussion, it was the consensus of the Board to list the property on Zillow.com and see what results the listing will yield as a means of keeping the options open.

New Business:

10. Discussion: Pay Plan Implementation for Non-Public Safety Employees (Berry): Roger Berry, Director of Facilities, was present and referred to the fact that several payroll studies have been initiated by the County during his 15-year tenure; encouraged the Board of Supervisor to revisit the pay plan implementation and grant pay increases to those personnel that haven't gotten a raise (totaling \$16,219.00) to be effective November 1, 2020.

The Finance Director advised that associated numbers will be provided to Tillie Strothers, HR/Payroll Technician.

Supervisor Yowell: Referred to his quote that 'staff should understand' has been taken out of context...his intention was to say that staff 'will understand...'

Supervisor Yowell moved that the Board of Supervisors implement the pay increase for non-public safety employees effective November 1, 2020, seconded by Supervisor Foster. Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0).

Accolades were given to the Board of Supervisors for today's action.

11. Consideration: Emergency Operations Plan Update (Sherer): John Sherer, Emergency Management Services Coordinator, was present and advised that the County's Emergency Operations Plan has been updated as required by the State and needs to be adopted by the governing body of the locality. The plan further reflects the County's responsibilities in conjunction with the volunteer rescue squad and associated safety practices as required. The associated plan is 383 pages that addresses basic chain of command and emergency support functions, and can also be viewed electronically.

Supervisor McGhee moved that the Board approve Resolution # 2020-27 [Resolution to Update and Re-Adopt the Madison County All-Hazards Emergency Operations Plan] as presented, seconded by Supervisor Hoffman. **Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0).**

The Resolution reads as follows:

RESOLUTION #2020-27

**A RESOLUTION TO UPDATE AND RE-ADOPT THE MADISON COUNTY ALL-HAZARDS
EMERGENCY OPERATIONS PLAN**

WHEREAS, the Madison County Board of Supervisors is greatly concerned with the health, safety and well-being of its citizens and desires that the best possible emergency services are available to them; and

WHEREAS, the Commonwealth of Virginia Emergency Services and Disaster Law of 2000, Chapter 3.2 of Title 44 of the Code of Virginia, (1950), as amended, requires that each city and county in the Commonwealth maintain an Emergency Operations Plan (EOP) which addresses its planned response to emergency situations; and

WHEREAS, the proposed updates and changes to the Emergency Operations Plan, last formally adopted by the Madison County Board of Supervisors in September of 2016, have been developed by the Madison County staff, in coordination with the Virginia Department of Emergency, incorporating engagement from responsible local agencies; and

WHEREAS, on October 27, 2020 the Madison County Emergency Operations Staff endorsed the proposed updates and changes to the Emergency Operations Plan; now therefore, be it

RESOLVED by the Madison County Board of Supervisors this 27th day of October 2020, that the Madison County All-Hazards Emergency Operations Plan, to include plans and procedures for local emergencies and disasters, be, and is hereby updated and re-adopted; and, be it

RESOLVED further, that the County Administrator, the Emergency Coordinator, the Deputy Emergency Coordinator, and the Assistant Deputy Coordinator, shall exercise due diligence to maintain the EOP as a vital, current and dynamic plan to address all hazards.

12. Discussion: Disposition of the American Legion Property on Thrift Road (Jackson): Chairman Jackson advised that the Madison American Legion Post Home, Inc. has advised Madison County Parks & Recreation that they would like to relinquish the property. The terms of sale of the deed does state that the property can be reverted back to the County if the PRA doesn't utilize the property. However, the PRA would like to retain usage of the ice hockey rink at the rear of the property. In closing, his concerns focused on whether it will be the Madison Parks & Recreation or the County of Madison that will be to initiate a process in order to regain the land

The County Attorney advised that a public hearing will be required when there is a discussion pertaining to public property

- *Chairman Jackson: Also advised that the PRA will plan to attend a future meeting to deliver a formal request to the County regarding the American Legion Post property.*

13. Discussion: Surber Development Tax Abatement Request (Webb): Ligon Webb, County Planner, was present to report that the developer of the proposed apartment complex off Courthouse Mountain Road has advised of his intentions to apply to fax credit financing through the Virginia Housing Program (formerly called VHDA); the deadline for the tax credit application and/or competitive applications is not apparent at this time, but it's felt that this opportunity would be an asset if the Board acted accordingly. Building and Zoning does support the project as presented.

The County Administrator advised that the proposed development will be situated in a residential area and may have an effect on the County's overall budget; questioned how strongly the Board feels about supporting the proposed endeavor, and also feels there may be some strong opposition

- *Supervisor Yowell: Verbalized support of the proposed project; feels that any children that may be future residents at the site are already enrolled in the local school system.*
- *Chairman Jackson: Advised that the proposed endeavor will affect and have some influence on the neighbors along Courthouse Mountain Road; noted that are very limited affordable housing opportunities in the County*

- *Supervisor McGhee: Feels that the development could add some additional overall costs to the locality; noted that the development will allow folks to have affordable housing which is something not readily available here now; anticipates that the development will bring customers to the County and help promote the local businesses here.*

Mr. Webb further advised that the endeavor will be considered as a refund and not an abatement and was asked to prepare a draft ordinance and place an advertisement for the required hearing on the request.

Information/Correspondence

Public Comment: Chairman Jackson opened the floor for public comment.

The following individual(s) provided comment(s):

- James Howe: Thanked the Board of Supervisors for comments made to VDOT pertaining to the swinging bridges; referred to two (2) solutions that have been discussed; noted that several residents would like to work to raise funds to repair the bridge at Lindsay Lane in Criglersville.
- Marty McGettrick: Encouraged the Board to come take a look at the bridge located on Lindsay Lane and to compare the credibility of the repairs being requested by VDOT vs. those being suggested by Professor Elzey; feels that VDOT hasn't done their job to maintain the bridge for many years; the bridge has been closed which is a concern since Professor Elzey feels that the existing bridge isn't unsafe as VDOT claims.
- Clint Hyde: Referred to the CARES Act Funding being offered by the State to bring broadband services to parts of the County; he has written and submitted a proposal to the County Administrator which may be a viable plan proposal; authorization must be provided from the County in order to move forward.

- *Chairman Jackson: Suggested that the County Administrator provide a summation for the Board to review.*

The County Administrator encouraged the Board to consider assessing whether to use the old Criglersville School or other County property sites to install antennas; he also verbalized concerns about the application and whether the proposed antennas will cause issues with the existing County radio equipment.

After discussion, it was the consensus of the Board to proceed with the grant application process as appropriate.

Closed Session (Personnel & Legal)

Supervisor Hoffman moved that the Board convene in a closed session pursuant to Virginia Code Sections:

A. 2.2-3711(A)(1) for discussion on the assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of the County Administrator and the County Attorney and:

B. 2.2-3711(A)(7) for consultation with legal counsel and briefings by staff members pertaining to probably litigation, where such consultation or briefings in open meeting would adversely affect the negotiating or litigating posture of the public body, seconded by Supervisor Foster. *Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0)*

Supervisor Hoffman moved that the Board re-convene in open session, seconded by Supervisor McGhee. *Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0)*

Supervisor Hoffman moved to certify by roll-call vote that only matter lawfully exempted from open meeting requirements pursuant to Virginia Code Sections 2.2-3711(A)(1) and (7), and that only matters that were identified in the motion to convene in a closed session were heard, discussed, or considered in the closed meeting, seconded by Supervisor Foster. *Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0)*

No action was taken as a result of closed session

Adjourn

With no further action being required, on motion of Supervisor Hoffman at 9:14 p.m., seconded by Supervisor Foster, the meeting was adjourned. *Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay (0).*

R. Clay Jackson, Chairman
Madison County Board of Supervisors

Clerk of the Board of the Madison County Board of Supervisors

Adopted on: November 10, 2020

Copies: Board of Supervisors, County Attorney & Constitutional Officers

Adopted Items:

Ordinance ID#2020-21 [An Uncodified Ordinance to Re-establish Continuity in Madison County Government]

Resolution #2020-26 [Resolution to Appropriate the FY21 Madison County Capital Budget for October 2020]

Resolution #2020-27 [Resolution to Update & Re-Adopt the Madison County All-Hazards Emergency Operations Plan]



Agenda

Board of Supervisors Meeting

Tuesday, October 27, 2020 at 6:00 PM

County Administration Building, Auditorium

414 N Main Street, Madison, Virginia 22727

Call to Order, Pledge of Allegiance & Moment of Silence

Adoption of Agenda

Public Comment

Special Appearances

1. Public Hearing & Consideration: Extension of Continuity of Government Ordinance
2. Presentations (Carrie Shephard, VDOT):
 - A. Report on Criglersville Swinging Bridges
 - B. Discussion on Open VDOT Items
3. Consideration: MOU with Madison County Rescue Squad (Hillstrom)

Consent Agenda

4. Consent Agenda
 - A. Minutes from the October 13, 2020 meeting
 - ~~B. Authorization to pay capital project invoices from bond proceeds~~
 - B. ~~C.~~ Supplemental Appropriations
 - i. Supplement 21-17 Commonwealth's Attorney new position \$50,212.75
 - ii. Supplement 21-18 Electoral Board Grant \$6,129.00
 - iii. Supplement 21-19 EMS Medical Director Contract Increase \$3,750.00
 - iv. Supplement 21-20 EMS 6 Radios for New Ambulances \$4,615.00

Constitutional Officers, County Departments, Committees & Organizations

5. Committee Vacancies (Frye)
6. Discussion: Holiday Luncheon Alternatives (Frye)

Old Business

7. Consideration: Public Safety Radio Tower Easements near Hughes River (Gordon)
8. Consideration: November-December 2020 Board Meeting Schedule (Hobbs)
- 9A. Discussion: Status of CARES Act Funding (Costello)
- 9B. *Report/Consideration: Status of "ERP" Project and Additional Funding (Costello)*
- 9C. *Discussion: Status of Criglersville School (Hoffman)*

New Business

10. Discussion: Pay Plan Implementation for Non-Public Safety Employees (Berry)
11. Consideration: Emergency Operations Plan Update (Sherer)
12. Discussion: Disposition of the American Legion Property on Thrift Road (Jackson)
13. Discussion: Surber Development Tax Abatement Request (Webb)

Information/Correspondence

Public Comment

Closed Session (*Personnel and Legal*)

Adjourn

AMENDMENTS DENOTED IN ROYAL BLUE